



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider a Resolution to Vacate the 6-foot Public Utility Easement Along the North Property Line of Lot 189, Lakewood Subdivision, Unit No. 4

MEETING DATE: February 21, 2001

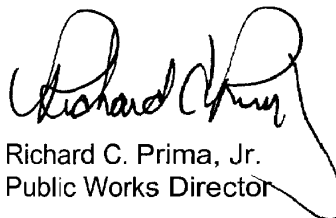
PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council, after reviewing the findings of the Planning Commission, conduct a public hearing to consider a resolution to vacate the 6-foot public utility easement along the north property line of Lot 189, Lakewood Subdivision, Unit No. 4, as shown on Exhibit A.

BACKGROUND INFORMATION: At the regular Council meeting of January 17, 2001, the City Council adopted a resolution of intention to vacate the 6-foot public utility easement along the north property line of Lot 189 of Lakewood Subdivision, Unit No. 4, saving and excepting the west 6 feet and the east 5 feet of the public utility easement, and referred the matter to the Planning Commission. The Planning Commission held a public hearing on January 24, 2001, to determine public need, present or future, for this public utility easement. Resolution No. P.C. 01-04 was passed and adopted recommending that the 6-foot public utility easement along the north line of Lot 189 be vacated.

The public utility easement was originally intended for utility poles and overhead utility lines. A new public utility easement has been dedicated for this purpose on a 30-foot strip of land north of the original easement. The owners of Lot 189 purchased this property from the City in 1998. Abandonment of the 6-foot easement along the north line of Lot 189 will allow the owners to make improvements and better utilize their rear yard.

FUNDING: Not Applicable



Richard C. Prima, Jr.
Public Works Director

Prepared by Jeannie Matsumoto, Senior Engineering Technician

RCP/JM/pmf

Attachment

cc: Randy Hays, City Attorney
Rad Bartlam, Community Development Director

APPROVED: _____

H. Dixon Flynn -- City Manager

RESOLUTION NO. 2001-10

A RESOLUTION OF THE LODI CITY COUNCIL
DECLARING ITS INTENTION TO VACATE THE 6-FOOT
PUBLIC UTILITY EASEMENT ALONG THE NORTH LINE
OF LOT 189, LAKEWOOD SUBDIVISION, UNIT NO. 4

=====

BE IT RESOLVED by the City Council of the City of Lodi as follows:

It is the intention of the City Council of the City of Lodi, acting in accordance with the provisions of Section 8300 et seq. of the Streets and Highways Code of the State of California, to vacate and abandon the public utility easement along the North line of Lot 189, Lakewood Subdivision, Unit No. 4, as shown on Exhibit A attached hereto and thereby made a part hereof.

Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the proposed vacation.

BE IT FURTHER RESOLVED that this City Council does hereby fix Wednesday, February 21, 2001, at the hour of 7:00 p.m., in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, as the time and place when and where all persons interested in or objecting to this proposed vacation may appear before this City Council and be heard.

BE IT FURTHER RESOLVED that the Public Works Director shall cause to be posted notices of easement vacation conspicuously along the line of the easement hereinabove described and proposed to be vacated in the manner, form, and for the length of time set forth in Section 8323 of the Streets and Highways Code of the State of California.

BE IT FURTHER RESOLVED that copies of this resolution shall be published for at least two successive weeks prior to February 21, 2001 in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi, County of San Joaquin.

Dated: January 17, 2001

=====

I hereby certify that Resolution No. 2001-10 was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 17, 2001, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Pennino and Mayor
Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk



CITY OF LODI

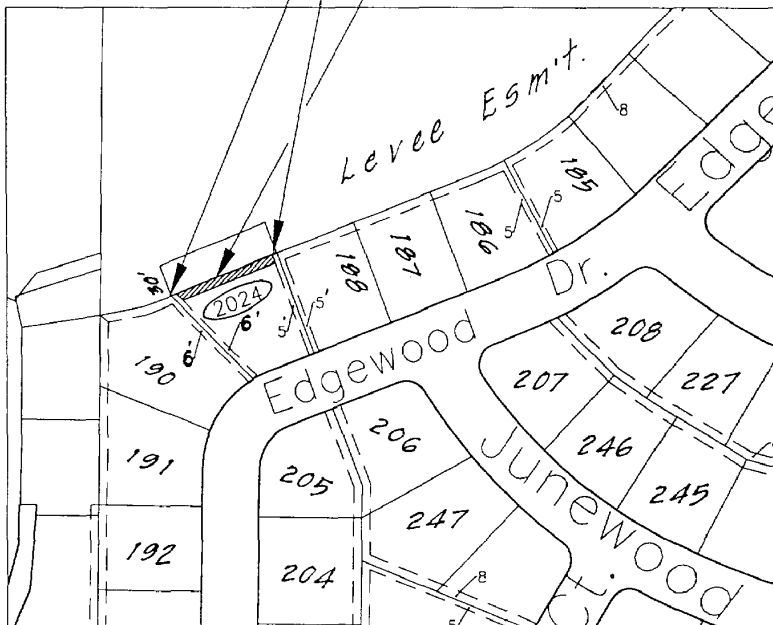
PUBLIC WORKS DEPARTMENT

EXHIBIT A

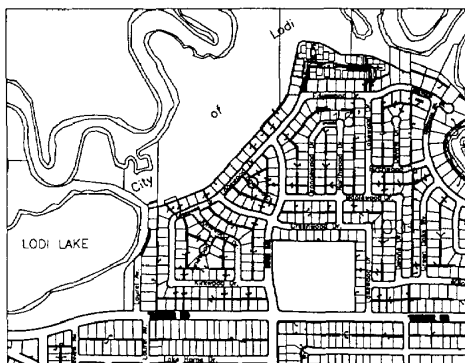
PUBLIC UTILITY EASEMENT
ABANDONMENT

SAVE AND EXCEPT the West 6-ft and the
East 5-ft of Lot 189.

Proposed abandonment of the
North 6-ft of Lot 189



DETAIL



VICINITY MAP



N.T.S.

When Recorded, Please Return to:
Lodi City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2001-44

A RESOLUTION OF THE LODI CITY COUNCIL
VACATING A 6-FOOT PUBLIC UTILITY EASEMENT
ALONG THE NORTH LINE OF LOT 189, LAKEWOOD
SUBDIVISION, UNIT NO. 4

=====

WHEREAS, on October 13, 1976, a public utility easement dedicated along the north line of Lot 189 as shown on "Lakewood" Subdivision, Unit No. 4, Lodi, California was reduced to a 6-foot public utility easement and is more particularly described as follows and delineated on the attached map marked Exhibit A:

The North 6-feet of Lot 189 of "Lakewood", Unit No. 4, as filed for record on July, 26, 1967, in Book of Maps and Plats, Volume 18, at Page 5, San Joaquin County Records.

SAVE AND EXCEPT the West 6-feet and East 5-feet of said Lot 189.

WHEREAS, the owner of Lot 189 have requested that the City of Lodi abandon such easements; and

WHEREAS, such easements have been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the Streets and Highways Code of the State of California, Sections 8330 and 8333 provide that the legislative body of a local agency may summarily vacate a public service easement if the easement has been superceded by relocation and there are no other public facilities located within the easement; and

WHEREAS, pursuant to the requirements of Government Code §27288.1, the names of the owners of the title or interest in Lot 189 of Lakewood Subdivision, Unit No. 4 as it appeared at the time and in the document creating the interest, right or encumbrance is as follows:

OWNERS: Leland J. Haley and Trudy L. Haley

WHEREAS, in accordance with Streets and Highways Code Section 8300 et seq., it is the desire of the City Council of the City of Lodi to vacate such easement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi as follows:

That the 6-foot public utility easement located along the North property line on Lot 189, Lakewood Subdivision, Unit No. 4, **SAVE AND EXCEPT** the West 6-feet and East 5-feet of said Lot 189, be vacated; and

That from and after the date this resolution is recorded, such easements will no longer constitute a public service easement.

Dated: February 21, 2001

=====

I hereby certify that Resolution No. 2001-44 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 21, 2001 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Pennino and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk



CITY OF LODI

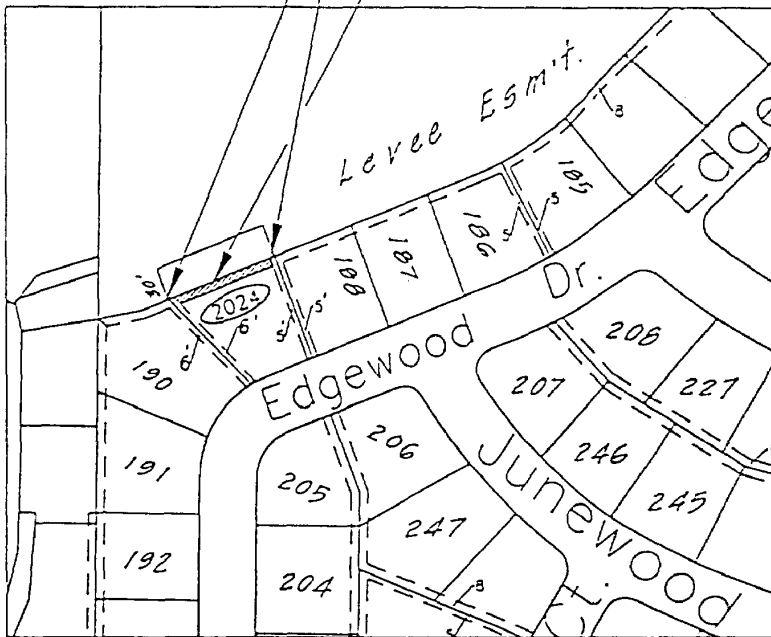
PUBLIC WORKS DEPARTMENT

EXHIBIT A

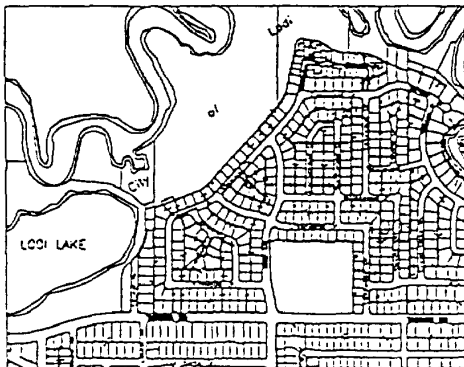
PUBLIC UTILITY EASEMENT
ABANDONMENT

SAVE AND EXCEPT the West 6-ft and the
East 5-ft of Lot 189.

Proposed abandonment of the
North 6-ft of Lot 189



DETAIL



VICINITY MAP

N.T.S.



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO
VACATE THE 6-FOOT PUBLIC UTILITY EASEMENT ALONG THE NORTH LINE OF
LOT 189, LAKEWOOD SUBDIVISION, UNIT NO. 4

PUBLISH DATE(s): MONDAY, JANUARY 29, 2001
MONDAY, FEBRUARY 5, 2001


TEAR SHEETS WANTED: ONE

SEND AFFIDAVIT AND BILL TO: SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: JANUARY 18, 2001

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK


JENNIFER M. PERRIN
DEPUTY CITY CLERK

Verify Appearance of this Legal in the Newspaper - Copy to File

Faxed to the Sentinel at 369-1084 at <u>1:55 pm</u> (time) on <u>1/18/01</u> (date) <u>3</u> (pages)			
Sharon _____	Phoned to confirm receipt of all pages at _____ (time)	Jac _____	Jen _____ (initials)



CITY OF LODI
Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: Wednesday, February 21, 2001

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston
City Clerk
Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, February 21, 2001** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) intention to vacate the 6-foot public utility easement along the north line of lot 189, Lakewood Subdivision, Unit No. 4

Further, notice is hereby given that the City Council has referred this item to the Planning Commission for discussion and recommended action on Wednesday, January 24, 2001 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard.

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: January 17, 2001

Approved as to form:

Randall A. Hays
City Attorney



DECLARATION OF POSTING

On Thursday, January 18, 2001 in the City of Lodi, San Joaquin County, California, a copy of the Resolution of the Lodi City Council Declaring its Intention to Vacate the 6-Foot Public Utility Easement Along the North Line of Lot 189, Lakewood Subdivision, Unit No. 4 (attached hereto, marked Exhibit "A") was posted at the following three locations:

Lodi Public Library
Lodi Police Public Safety Building
Lodi City Hall Lobby
Carnegie Forum Posting Board

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 18, 2001, at Lodi, California.

ORDERED BY:

SUSAN J. BLACKSTON
CITY CLERK

Jacqueline L. Taylor
Deputy City Clerk

Jennifer M. Perrin
Deputy City Clerk

The signature of Jennifer M. Perrin is a cursive script that reads "Jennifer M. Perrin". It is written over a horizontal line.



DECLARATION OF MAILING

Resolution of the Lodi City Council and Public Hearing Notice Declaring the Intention to Vacate the 6-Foot Public Utility Easement Along the North Line of Lot 189, Lakewood Subdivision, Unit No. 4

On January 18, 2001 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.


Executed on January 18, 2001, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON
CITY CLERK, CITY OF LODI**

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK


JENNIFER M. PERRIN
DEPUTY CITY CLERK

Parcel Inquiry, Search Result

1 of 13	[Details]	039-020-01	1046 N LAUREL AV	MAYO, TOMMIE WADE & CORRA W TR
2 of 13	[Details]	039-092-17	2007 W EDGEWOOD DR	PRICE, CARL L & MARILYN A
3 of 13	[Details]	039-093-15	2029 W EDGEWOOD DR	GAMBETTI, STANLEY M & MARIE C
4 of 13	[Details]	039-093-16	2019 W EDGEWOOD DR	KEEN, GERALD L & CAROL L
5 of 13	[Details]	039-093-17	1162 N JUNEWOOD DR	SNYDER, LAWRENCE R & LESLIE A
6 of 13	[Details]	039-093-26	2039 W EDGEWOOD DR	CRADDOCK, DAVID & C
7 of 13	[Details]	039-094-10	2006 W EDGEWOOD DR	VILINSKAS, MARK & TONI
8 of 13	[Details]	039-094-11	2012 W EDGEWOOD DR	RALSTON, JOHN V & M M
9 of 13	[Details]	039-094-12	2018 W EDGEWOOD DR	GOEHRING, LEVI & MAVIS B
10 of 13	[Details]	039-094-14	2028 W EDGEWOOD DR	KIKUCHI, STEVEN J
11 of 13	[Details]	039-094-15	2034 W EDGEWOOD DR	MURPHY, JOHN J & SUSAN L TR
12 of 13	[Details]	039-094-16	2040 W EDGEWOOD DR	BYRD, BILLY & MARIA
13 of 13	[Details]	039-094-49	2046 W EDGEWOOD DR	LENZI, DEBORAH GAIL
		039-094-09	2000 W. Edgewood Dr.	Alegre, Frank C. Sr. & Helen C T
		039-020-02	1040 N Laurel Ave.	Phillips, Donna J
		039-093-25	2045 W Edgewood Dr.	Defenbaugh, Rex & Joyce M Tr.

Exhibit - 3

pubhear/mailst/lakewoodtbl.doc



DECLARATION OF MAILING

RESOLUTION OF THE LODI CITY COUNCIL AND PUBLIC HEARING NOTICE
DECLARING THE INTENTION TO VACATE THE 6-FOOT PUBLIC UTILITY
EASEMENT ALONG THE NORTH LINE OF LOT 189, LAKEWOOD SUBDIVISION,
UNIT No. 4

On January 24, 2001 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.


Executed on January 24, 2001, at Lodi, California.

ORDERED BY:

SUSAN BLACKSTON
CITY CLERK, CITY OF LODI

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK


JENNIFER M. PERRIN
DEPUTY CITY CLERK

**VACATION
MAILING LIST**

PG&E
12 W. Pine Street
Lodi, CA 95240

AT&T
6343 Tam O'Shanter Drive
Stockton, CA 95210

Pacific Bell
44 W. Yokuts Avenue
Stockton, CA 95207

Central Valley Waste Services
P.O. Box 241001
Lodi, CA 95241-9501

EX-101-2

CITY COUNCIL

ALAN S. NAKANISHI, Mayor

PHILLIP A. PENNINO

Mayor Pro Tempore

SUSAN HITCHCOCK

EMILY HOWARD

KEITH LAND

CITY OF LODI

CITY HALL, 221 WEST PINE STREET

P.O. BOX 3006

LODI, CALIFORNIA 95241-1910

(209) 333-6702

FAX (209) 333-6807

H. DIXON FLYNN

City Manager

SUSAN BLACKSTON

City Clerk

RANDALL A. HAYS

City Attorney

February 23, 2001

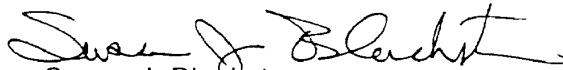
TO: Interested Parties

**VACATION: 6-FOOT PUBLIC UTILITY EASEMENT ALONG THE NORTH
LINE OF LOT 189, LAKEWOOD SUBDIVISION, UNIT NO. 4**

This is to inform you that the City Council at its regular meeting on February 21, 2001 considered the above matter and declared the area vacated and abandoned.

Enclosed, for your information, is a certified copy of the resolution along with a map of the abandoned area.

Should you have questions regarding the abandonment, please contact Public Works Director Richard Prima at (209) 333-6706.



Susan J. Blackston

City Clerk

SJB/jmp

Enclosure

cc: Public Works Director

When Recorded, Please Return to:
Lodi City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2001-44

A RESOLUTION OF THE LODI CITY COUNCIL
VACATING A 6-FOOT PUBLIC UTILITY EASEMENT
ALONG THE NORTH LINE OF LOT 189, LAKEWOOD
SUBDIVISION, UNIT NO. 4
=====

WHEREAS, on October 13, 1976, a public utility easement dedicated along the north line of Lot 189 as shown on "Lakewood" Subdivision, Unit No. 4, Lodi, California was reduced to a 6-foot public utility easement and is more particularly described as follows and delineated on the attached map marked Exhibit A:

The North 6-feet of Lot 189 of "Lakewood", Unit No. 4, as filed for record on July, 26, 1967, in Book of Maps and Plats, Volume 18, at Page 5, San Joaquin County Records.

SAVE AND EXCEPT the West 6-feet and East 5-feet of said Lot 189.

WHEREAS, the owner of Lot 189 have requested that the City of Lodi abandon such easements; and

WHEREAS, such easements have been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the Streets and Highways Code of the State of California, Sections 8330 and 8333 provide that the legislative body of a local agency may summarily vacate a public service easement if the easement has been superceded by relocation and there are no other public facilities located within the easement; and

WHEREAS, pursuant to the requirements of Government Code §27288.1, the names of the owners of the title or interest in Lot 189 of Lakewood Subdivision, Unit No. 4 as it appeared at the time and in the document creating the interest, right or encumbrance is as follows:

OWNERS: Leland J. Haley and Trudy L. Haley

WHEREAS, in accordance with Streets and Highways Code Section 8300 et seq., it is the desire of the City Council of the City of Lodi to vacate such easement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi as follows:

That the 6-foot public utility easement located along the North property line on Lot 189, Lakewood Subdivision, Unit No. 4, SAVE AND EXCEPT the West 6-feet and East 5-feet of said Lot 189.be vacated; and

That from and after the date this resolution is recorded, such easements will no longer constitute a public service easement.

Dated: February 21, 2001

=====

I hereby certify that Resolution No. 2001-44 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 21, 2001 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Pennino and Mayor Nakanishi
NOES: COUNCIL MEMBERS – None
ABSENT: COUNCIL MEMBERS – None
ABSTAIN: COUNCIL MEMBERS – None

The foregoing document is certified to be a correct copy of the original on file in the City Clerk's Office.

Jennifer M. Perrin
Deputy City Clerk, City of Lodi


SUSAN J. BLACKSTON
City Clerk

By: _____
Dated:

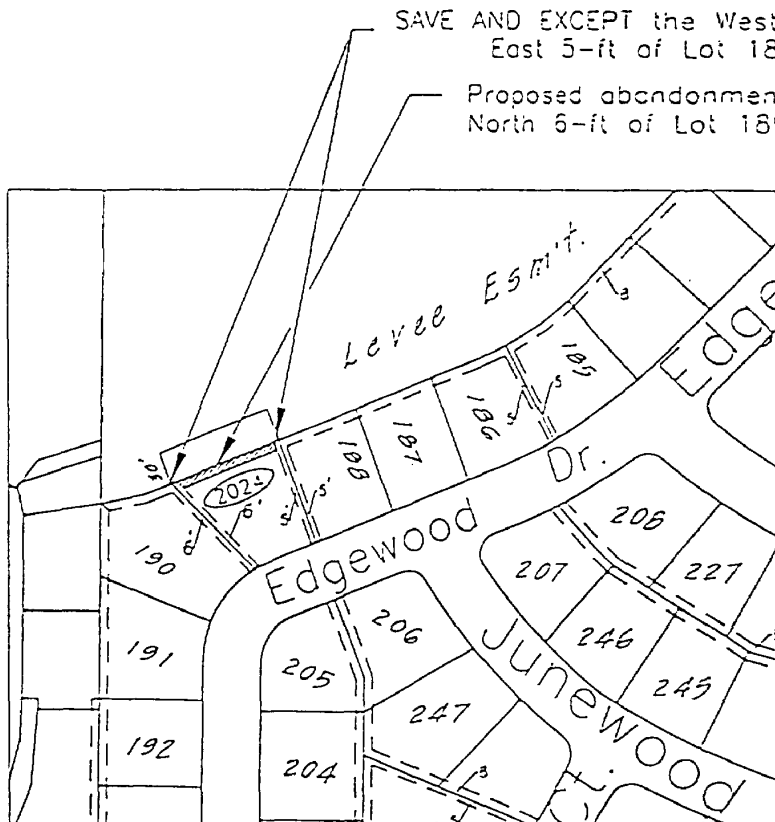


CITY OF LODI

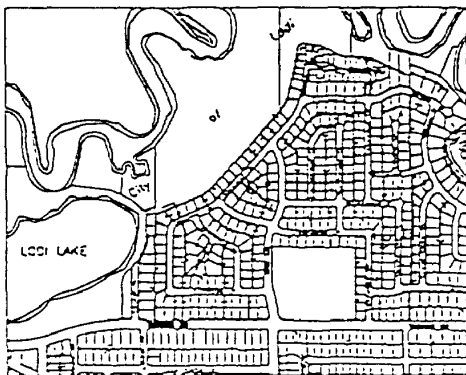
PUBLIC WORKS DEPARTMENT

EXHIBIT A

PUBLIC UTILITY EASEMENT
ABANDONMENT



DETAIL



VICINITY MAP

N.T.S.



DECLARATION OF MAILING

RESOLUTION VACATING THE 6-FOOT PUBLIC UTILITY EASEMENT ALONG THE NORTH LINE OF LOT 189, LAKEWOOD SUBDIVISION, UNIT No. 4

On February 27, 2001 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.


Executed on February 27, 2001, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON
CITY CLERK, CITY OF LODI**

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK


JENNIFER M. PERRIN
DEPUTY CITY CLERK

**VACATION
MAILING LIST**

PG&E
12 W. Pine Street
Lodi, CA 95240

AT&T
6343 Tam O'Shanter Drive
Stockton, CA 95210

Pacific Bell
44 W. Yokuts Avenue
Stockton, CA 95207

Central Valley Waste Services
P.O. Box 241001
Lodi, CA 95241-9501

Tommie Wade & Corra W. Mayo
1046 N. Laurel Avenue
Lodi, CA 95240

Carl L. & Marilyn A. Price
2007 W. Edgewood Drive
Lodi, CA 95240

Stanley M. & Marie C. Gambetti
2029 W. Edgewood Drive
Lodi, CA 95240

Gerald L. & Carol L. Keen
2019 W. Edgewood Drive
Lodi, CA 95240

Lawrence R. & Leslie A. Snyder
1162 N. Junewood Drive
Lodi, CA 95240

David & C. Craddock
2039 W. Edgewood Drive
Lodi, CA 95240

Mark & Toni Vilinskas
2006 W. Edgewood Drive
Lodi, CA 95240

John V. & M M Ralston
2012 W. Edgewood Drive
Lodi, CA 95240

Levi & Mavis B. Goehring
2018 W. Edgewood Drive
Lodi, CA 95240

Steven J. Kikuchi
2028 W. Edgewood Drive
Lodi, CA 95240

John J. & Susan L Murphy
2034 W. Edgewood Drive
Lodi, CA 95240

Billy & Maria Byrd
2040 W. Edgewood Drive
Lodi, CA 95240

Deborah Gail Lenzi
2046 W. Edgewood Drive
Lodi, CA 95240

Frank C. & Helen Alegre
2000 W. Edgewood Drive
Lodi, CA 95240

Donna J. Phillips
1040 N. Laurel Avenue
Lodi, CA 95240

Rex & Joyce M. Defenbaugh
2045 W. Edgewood Drive
Lodi, CA 95240